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REMARKS

Claims 1-49 are currently pending in the subject application and are presently under consideration. Claims 1, 9-11, 14, 19-23, 29-36, 39-43, 47, 48, and 49 have been amended as shown at pp. 2-10 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-35 Under 35 U.S.C. §101

Claims 1-35 stand rejected under 35 U.S.C. §101 as being directed towards non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. Independent claims 1, 14, 23, and 32 were amended in the Reply to the Office Action dated January 26, 2005 to remove references to creating a language neutral representation, and have been further amended herein in accordance with the Examiner's suggestions in the Office Action dated June 22, 2004. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-49 Under 35 U.S.C. §102(e)

Claims 1-49 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bosworth, *et al.* (US 6,738,968). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosworth, *et al.* does not teach or suggest each and every limitation of applicants' claimed invention.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The subject invention relates to creation of a coding language neutral representation of a compile unit from language specific code. For instance, the applicants' invention can generate a language neutral representation of a compile unit from a representation of the compile unit in

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high level language code, such as C#. The language neutral representation can then be converted to any of a plurality of representations of the compile unit in various high or low level coding languages, such as C, C++, or Assembly. In particular, as recited in amended independent claim 1 (and similarly recited in independent claims 14, 23, 32, 36, 40, 41, 43 and 47-48), the applicants' claimed invention can *convert the language neutral representation of the compile unit to a corresponding representation of the compile unit in at least one high-level language code*.

Bosworth, *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. Bosworth, *et al.* teaches an intermediate representation suitable for representing the concepts of a plurality of different source languages. The cited prior art further teaches conversion of the intermediate representation into a low level language code. However, Bosworth, *et al.* is silent regarding converting the language neutral representation into a high level language code. Therefore, Bosworth, *et al.* fails to teach or suggest converting the language neutral representation of the compile unit to a corresponding representation of the compile unit in at least one high-level language code.

Accordingly, applicants' representative respectfully submits that Bosworth, *et al.* fails to teach or suggest all limitations of applicants' invention as recited in independent claims 1, 14, 23, 32, 36, 40, 41, 43 and 47-48 (and all claims that depend therefrom), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTPP194US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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